

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

| | | |
|--------------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, |) | Case No.: 1:15 CR 308 |
| |) | |
| Plaintiff |) | |
| |) | |
| v. |) | JUDGE SOLOMON OLIVER, JR. |
| |) | |
| STUART PFLAUM, <i>et al.</i> , |) | |
| |) | |
| Defendants |) | <u>ORDER</u> |

On May 24, 2017, Defendant Stuart Pflaum (“Defendant”) filed a Motion to Continue Sentencing (“Motion to Continue”) (ECF No. 279), which is currently pending before the court. The Government filed a Response to Defendant’s Motion on May 25, 2017. For the reasons stated herein, Defendant’s Motion to Continue (ECF No. 279) is hereby denied.

The within case has been pending for a very substantial period of time. The Government filed a criminal Complaint against Defendant on May 29, 2015, and Defendant was formally indicted on August 19, 2015. (Criminal Compl., ECF No. 1; Indictment, ECF No. 16.) Defendant plead guilty to Count I in the Superseding Indictment on February 10, 2016. (Minutes of Proceedings, ECF No. 124.) On May 4, 2017, the court held a sentencing hearing, at which time the court heard testimony, as well as the parties’ arguments, but adjourned the proceedings before imposing a sentence to more closely assess the Sentencing Guidelines calculation. (Minutes of Proceedings, ECF No. 188; Sentencing Hearing Tr. 198:6–13.)

Sentencing has been pending since that time, which was more than one year ago, due in substantial part to Defendant’s desire to obtain new counsel and to ultimately move the court to

withdraw his guilty plea. On May 1, 2017, upon resolving Defendant's Motion to Withdraw, the court set sentencing for May 31, 2017. (Sealed Order, ECF No. 278.) On May 2, 2017, the court reset sentencing for June 5, 2017, at 2:00 p.m. (Notice Non-document, 05/02/2017.)

Three weeks later, on May 24, 2017, Defendant filed his Motion to Continue, explaining that one or more of his parents will be out of town and will be unable to attend sentencing. While the court is certainly sympathetic to his desire to have his parents present at sentencing, Defendant has not provided any reasons why he delayed his Motion to Continue for over three weeks, nor has he provided any reasons why his parents cannot expedite their trip in order to be present. Thus, sentencing will go forward as scheduled.

IT IS SO ORDERED.

/S/ SOLOMON OLIVER, JR.
CHIEF JUDGE
UNITED STATES DISTRICT COURT

May 26, 2017